

REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF IRVINGTON, NEW YORK HELD ON MONDAY APRIL 19, 2004 AT 7:00 P.M. VILLAGE HALL, 85 MAIN STREET, IRVINGTON, NEW YORK.

Present: Dennis P. Flood, Mayor
Isabel B. Milano, Trustee
David A. Klassen, Trustee
Richard J. Livingston, Trustee
Jonathan A. Siegel, Trustee
Stephen A. McCabe, Village Administrator
Donald P. Marra, Deputy Administrator
Michael Cerone, Police Lieutenant
Lawrence S. Schopfer, Clerk-Treasurer
Gregory R. Nilsson, Superintendent of Public Works
Lino J. Sciarretta, Village Attorney's Office

Mayor Flood called the meeting to order. Trustee Milano made a motion for the Board to adjourn to executive session to take up legal and personnel matters. The motion was seconded by Trustee Livingston and unanimously approved.

Upon reconvening after executive session, the regular meeting was called to order by Mayor Flood who led the attendance in the pledge of allegiance to the flag of the United States of America.

Mayor Flood opened the floor to public comment on matters not contained on the agenda of the regular meeting. There were no comments from those in attendance.

Mayor Flood continued the public hearing on the proposed fiscal year 2004/05 operating budget. After some discussion, Trustee Milano made a motion to close the public hearing. The motion was seconded by Trustee Klassen and unanimously approved.

RESOLUTION 2004-37

ADOPTION OF THE FISCAL YEAR 2004/05 OPERATING BUDGET

Trustee Milano offered the following resolution, which was seconded by Trustee Klassen and adopted:

WHEREAS, a public hearing on the fiscal year 2004/05 operating budget was opened on April 12, 2004 and continued and closed on April 19, 2004, now therefore be it

RESOLVED, to adopt the fiscal year 2004/05 operating budget showing a tax rate of \$179.82 per thousand dollars of assessed valuation.

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Milano, Klassen, Livingston, Siegel)
NAYS: NONE

Mayor Flood noted the receipt of a petition regarding the location of the fire horn. A resident questioned whether the horn was necessary. After some discussion, Mayor Flood indicated that, as a result of recent testing, the fire horn would not be moving from its current location atop Village Hall. In addition, Mayor Flood indicated that Village staff would initiate discussions with the Fire Chief regarding the use patterns and need for the current fire horn.

RESOLUTION 2004-38

BOND RESOLUTION AUTHORIZING THE ACQUISITION OF A TRACK LOADER FOR THE VILLAGE DEPARTMENT OF PUBLIC WORKS AUTHORIZING THE ISSUANCE OF TAX-EXEMPT SERIAL BONDS

Trustee Siegel offered the following resolution, which was seconded by Trustee Milano and adopted:

BE IT RESOLVED, BY THE VILLAGE BOARD OF THE VILLAGE OF IRVINGTON, WESTCHESTER COUNTY, NEW YORK AS FOLLOWS:

Section 1. The acquisition of a track loader for the Village Department of Public Works, at the maximum estimated cost of \$25,000, including costs incidental thereto and the financing thereof (the "Project") is hereby authorized at the maximum estimated cost of \$25,000.

Section 2. The plan for financing such maximum estimated cost for the acquisition of track loader is by and through the issuance of \$25,000 tax-exempt serial bonds or bond anticipation notes of the Village (the "Bonds"), hereby authorized to be issued therefor, pursuant to the Local Finance Law. Pursuant to Section 107.00 of the Local Finance Law, no current funds of the Village are required.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specified object or purpose is ten (10) years, pursuant to subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the Bonds herein authorized will not exceed ten (10) years.

Section 4. The full faith and credit of the Village is hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years. There shall be levied on all the taxable real property of said Village a tax sufficient to pay the principal and interest on the Bonds as the same become due and payable.

Section 5. Pursuant to the Sections 30.00, 50.00 and 56.00 to 60.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the Chief Fiscal Officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law. The Village Treasurer is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation thereof, and the Village Clerk is hereby authorized to affix the corporate seal of the Village to any serial bonds or bond anticipation notes issued pursuant hereto.

Section 6. The Village hereby covenants and agrees with the holders from time to time of the tax-exempt Bonds and any bond anticipation notes issued in anticipation of the sale of the tax-exempt Bonds, that the Village will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended, and any proposed or final regulations issued pursuant thereto unless, in the opinion of bond counsel, such compliance is not required by the Code and regulations to maintain the exclusion from gross income of interest on said obligations for federal income tax purposes.

Section 7. The validity of the bonds and bond anticipation notes may be contested pursuant to Section 80.00 of the Local Finance Law only if: (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or (b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit, or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or (c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This resolution is subject to permissive referendum.

Section 10. The Village Clerk shall publish and post a notice in accordance with the provisions of Section 81.00 of the Local Finance Law together with a copy of this Resolution in full.

The vote resulted as follows:

AYES:	5	(Mayor Flood, Trustees Milano, Klassen, Livingston, Siegel)
NAYS:	NONE	

RESOLUTION 2004-39

RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS TO BE REIMBURSED FROM THE PROCEEDS OF TAX-EXEMPT SERIAL BONDS FOR THE FINANCING OF ENVIRONMENTAL TESTING RELATED TO CERTAIN UNDERGROUND LIQUID FUEL TANKS AT THE VILLAGE DEPARTMENT OF PUBLIC WORKS

Trustee Milano offered the following resolution, which was seconded by Trustee Livingston and adopted:

WHEREAS, the Village of Irvington (the “Village”) has determined to engage professional environmental consultants to undertake testing related to certain underground liquid fuel tanks that are located at the Village Department of Public Works, and to undertake such repair, excavation, emptying and/or disposal of such tanks, and work incidental thereto, as may be necessary to comply with applicable environmental law and regulation (the “Project”); and

WHEREAS, the Village intends to finance the cost of the Project through the issuance of tax-exempt serial bonds subject to permissive referendum; and

WHEREAS, the cost of the Project is not expected to exceed \$40,000; and

WHEREAS, the Village intends to pay certain costs in connection with the Project prior to the issuance of the bonds to be used to finance such costs; and

WHEREAS, section 1.150-2 of the Treasury Regulations requires the Village to declare its reasonable official intent to use the proceeds of a tax-exempt borrowing to reimburse the prior expenditures for the Project as may be reasonably necessary prior to the issuance of tax-exempt obligations; now therefore be it

RESOLVED, that:

1. This Resolution is adopted by the Board of Trustees of the Village (the “Board”) for the purposes of establishing compliance with the requirements of section 1.150 of the Treasury Regulations and is intended to be a declaration of intent pursuant to such regulations. This Resolution does not bind the Village to make any expenditure, incur any debt or proceed with the Project.
2. The Treasurer of the Village is authorized to use Village funds to pay certain costs in connection with the Project prior to the issuance of bonds for the Project, and his actions in paying any preliminary expenses in connection with the Project are hereby ratified and confirmed.
3. The Board reasonably expects that the maximum principal amount of the bonds to be issued to finance the Project and to reimburse any costs paid prior to issuance, is \$40,000, including the costs of issuing the bonds.
4. The Treasurer shall, within 10 days of the issue date of the bonds, allocate in writing on the books and records of the Village, the proceeds of the bonds that are used to reimburse the Village for the costs of the Project initially paid therefrom; provided that such costs to be reimbursed were either preliminary expenditures or were paid not more than 60 days prior to the date hereof, and the reimbursement allocation is made not later than 18 months after the later of (a) the date on which the original expenditure is paid or (b) the date the Project was placed in service or abandoned (but in no event more than 3 years after the date on which the expenditure is paid).
5. This Resolution is effective immediately.

The vote resulted as follows:

AYES:	5	(Mayor Flood, Trustees Milano, Klassen, Livingston, Siegel)
NAYS:	NONE	

**RESOLUTION 2004-40
PURCHASE OF A USED TRACK LOADER**

Trustee Siegel offered the following resolution, which was seconded by Trustee Livingston and adopted:

WHEREAS, sealed bids for the purchase of a used track loader were received and opened on April 16, 2004, now therefore be it

RESOLVED, to purchase a used Caterpillar 977H track loader from the low bidder, Papovitch Rental Corp., in the amount of \$17,000.

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Milano, Klassen, Livingston, Siegel)
NAYS: NONE

**RESOLUTION 2004-41
BIDS FOR WATER FLOW METER AND CHART EQUIPMENT**

Trustee Milano offered the following resolution, which was seconded by Trustee Klassen and adopted:

WHEREAS, sealed bids for a water flow meter and chart equipment were previously received and opened on March 24, 2004, and subsequently rejected by the Board of Trustees on April 12, 2004, and

WHEREAS, sealed re-bids for a water flow meter and chart equipment were received and opened on April 15, 2004, now therefore be it

RESOLVED, award the purchase of a water flow meter and chart equipment to the low bidder, Wayne Martin Enterprise, in the amount of \$15,875.00.

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Milano, Klassen, Livingston, Siegel)
NAYS: NONE

**RESOLUTION 2004-42
AWARD OF CONTRACT FOR GENERAL CONSTRUCTION LABOR FOR VILLAGE
HALL RENOVATIONS PROJECT (#2004-02)**

Trustee Milano offered the following resolution, which was seconded by Trustee Livingston and adopted:

WHEREAS, sealed bids were received and opened on April 14, 2004 for General Construction labor rates in connection with the renovation of Village Hall, and

WHEREAS, the bids from the 2 low bidders, Galgano Contracting and G & R Bucci, included labor rates for certain job titles that were lower than the Westchester County Prevailing Wage Rate as published in the bid specifications, now therefore be it

RESOLVED, to reject the bids from the 2 low bidders, Galgano Contracting and G & R Bucci, and to award contract 2004-02 (General Construction) to the lowest responsible bidder, May Construction Co., Inc. for an estimated contract total of \$46,199 and to authorize the Village Administrator to execute said contract.

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Milano, Klassen, Livingston, Siegel)
NAYS: NONE

RESOLUTION 2004-43

AWARD OF CONTRACT FOR PLUMBING LABOR FOR VILLAGE HALL RENOVATIONS PROJECT (#2004-06)

Trustee Milano offered the following resolution, which was seconded by Trustee Livingston and adopted:

WHEREAS, sealed bids were received and opened on April 14, 2004 for Plumbing labor rates in connection with the renovation of Village Hall, and

WHEREAS, the bid from the low bidder, Pipeline Plumbing, included labor rates for certain job titles that were lower than the Westchester County Prevailing Wage Rate as published in the bid specifications, now therefore be it

RESOLVED, to reject the bid from the low bidder, Pipeline Plumbing, and to award contract 2004-06 (Plumbing) to the lowest responsible bidder, ACS System Associates for an estimated contract total of \$20,300, subject to receipt of acceptable references for this contractor and to authorize the Village Administrator to execute said contract.

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Milano, Klassen, Livingston, Siegel)
NAYS: NONE

RESOLUTION 2004-44

AWARD OF CONTRACT FOR ELECTRICAL LABOR FOR VILLAGE HALL RENOVATIONS PROJECT (#2004-07)

Trustee Milano offered the following resolution, which was seconded by Trustee Livingston and adopted:

WHEREAS, sealed bids were received and opened on April 14, 2004 for Electrical labor rates in connection with the renovation of Village Hall, now therefore be it

RESOLVED, to award contract 2004-07 (Electrical) to the lowest responsible bidder, Scotty Electric Corp. for an estimated contract total of \$26,700 and to authorize the Village Administrator to execute said contract.

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Milano, Klassen, Livingston, Siegel)
NAYS: NONE

RESOLUTION 2004-45

SUPPORT FOR ELIMINATING THE SUNSET PROVISIONS OF THE LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (LGRMIF) AND THE CULTURAL EDUCATION FUND (CEF) - STATE ASSEMBLY BILL A10843 AND STATE SENATE BILL S06666.

Trustee Siegel offered the following resolution, which was seconded by Trustee Milano and adopted:

WHEREAS, the Local Government Records Management Improvement Fund (LGRMIF) was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4,300 local governments, and

WHEREAS, the closely related Documentary Heritage Program (DHP) for grants and technical assistance to non-governmental historical records repositories also is supported by the LGRMIF, and

WHEREAS, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five-year experiment, and

WHEREAS, the New York State Legislature twice has extended the sunset date, most recently to December 31, 2005, and

WHEREAS, the LGRMIF has effectively supported essential advisory services and 6,300 grants totaling over \$113 million to improve the management of records for over half of all NYS local governments, and

WHEREAS, the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to the taxpayers, and

WHEREAS, the Village of Irvington has benefited from technical assistance, training, publications and 2 grants totaling over \$18,000, supported by the LGRMIF, and

WHEREAS, the State Legislature created the closely-related Cultural Education Fund (CEF) to support the New York State Archives, New York State Library and New York State Museum on behalf of all New Yorkers, and the Office for Public Broadcasting, and provided the CEF with an identical sunset date, and

WHEREAS, the LGRMIF and the CEF continue to be critically important in the fulfillment of the many records and information related responsibilities of the Village of Irvington, and to the cultural and scientific needs of the people of New York State, now therefore be it

RESOLVED, that the Village of Irvington supports the elimination of said sunset provisions in order to make the LGRMIF and the CEF permanent as proposed in State Assembly Bill A10843 and State Senate Bill S06666.

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Milano, Klassen, Livingston, Siegel)
NAYS: NONE

RESOLUTION 2004-46

SERVICE CONTRACT FOR EQUIPMENT LOCATED IN THE LEGEND HOLLOW PUMP STATION

Trustee Klassen offered the following resolution, which was seconded by Trustee Milano and adopted:

RESOLVED, to approve a service contract with The Fleet Companies for equipment located in the Legend Hollow pump station in the annual amount of \$1,520 and to authorize the Clerk-Treasurer to execute said agreement.

The vote resulted as follows:

AYES: 5 (Mayor Flood, Trustees Milano, Klassen, Livingston, Siegel)
NAYS: NONE

Trustee Klassen reported on the recent retirement event for Library Board member and past-president Mary Morrisett. He also reported on the replanting work done by the Beautification Committee at Scenic Hudson Park.

Trustee Siegel outlined some recent Open Space Advisory Committee issues. He also discussed Department of Public Works activities including the availability of free compost, leaf pickup on Cyrus Field Road, GIS mapping, and ongoing catch basin repairs.

Trustee Livingston reported on the recent installment of new Fire Department officers and an activity summary for April.

Trustee Milano reported on the Recreation Department including upcoming camp registration dates and baseball/softball league schedules. She also announced the Celebrate Our Youth Day to be held on May 8, 2004.

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Deputy Administrator Donald Marra announced that a Chamber of Commerce networking breakfast was scheduled for April 20th at the Library. He also announced that a Greenburgh Cable TV consortium meeting was scheduled for the evening of April 20th.

Police Lieutenant Michael Cerone announced that the Police Department would be fingerprinting school children in conjunction with the PTA. He also indicated that bike patrols would resume. He also summarized the recent training underway for certain officers.

Trustee Milano made a motion for the Board to adjourn to executive session to take up legal and personnel matters. The motion was seconded by Trustee Siegel and unanimously approved.

Upon reconvening after executive session, there being no further business, the meeting was adjourned.

Lawrence S. Schopfer, Clerk-Treasurer

Attachments